



**The concepts of caricature and copyright – uneasy bedfellows?
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In October 2014 a new Permitted Act covering parody, caricatures and pastiche was introduced to UK copyright law. The Copyright and Rights in Performances (Quotation and Parody) Regulations 2014 created a new section 30A. This came after lengthy discussion as part of the Gowers and, in particular, the Hargreaves Reviews of intellectual property law, and implemented an aspect of Art. 5 of the Information Society Directive 2001/29/EC. In respect of parodies, scholarly debate has since centred largely on the CJEU decision in Case C-201/13 *Deckmyn* and its effect on definitional issues, as well as its impact on a fair dealing assessment.

This paper seeks to add to the debate by focusing on the conceptual differences between caricature and parody. The CJEU seemed to offer its views on parody in general, even though the factual scenario in *Deckmyn* involved both parody and caricature. Parodies may lend themselves for protection under copyright law more easily; however, caricature often addresses particular physical or characteristic features of individuals. On this basis, legal protection by means of copyright appears limited, as personality aspects may be more aligned to the right to privacy. Therefore, there seems an argument that caricature requires a balancing of privacy vs freedom of expression interests, rather than copyright per se – especially since copyright law is limited in its application to protect personality aspects of a work.

In this context, it is of interest that the CJEU also relied on moral/authors' rights, in particular the right to object to derogatory treatment of the work. With the limited application of copyright law to caricature, would moral rights offer an avenue for the protection of personality rights?